

SENATE BILL No. 108

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-3-12.

Synopsis: Cruelty to animals. Removes the training, handling, or disciplining defense from the cruelty to animals criminal statute.

Effective: July 1, 2003.

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January 7, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 108

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-3-12, AS AMENDED BY P.L.132-2002,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 12. (a) This section does not apply to a person
4 who euthanizes an injured, a sick, a homeless, or an unwanted domestic
5 animal if:

6 (1) the person is employed by a humane society, an animal control
7 agency, or a governmental entity operating an animal shelter or
8 other animal impounding facility; and

9 (2) the person euthanizes the domestic animal in accordance with
10 guidelines adopted by the humane society, animal control agency,
11 or governmental entity operating the animal shelter or other
12 animal impounding facility.

13 (b) A person who knowingly or intentionally beats a vertebrate
14 animal commits cruelty to an animal, a Class A misdemeanor.
15 However, the offense is a Class D felony if:

16 (1) the person has a previous, unrelated conviction under this
17 section; or



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1 (2) the person knowingly or intentionally tortures or mutilates a
2 vertebrate animal.
3 (c) It is a defense to a prosecution under this section that the
4 accused person
5 (†) reasonably believes the conduct was necessary to:
6 (A) (1) prevent injury to the accused person or another person;
7 (B) (2) protect the property of the accused person from
8 destruction or substantial damage; or
9 (C) (3) prevent a seriously injured vertebrate animal from
10 prolonged suffering. ~~or~~
11 (2) engaged in a reasonable and recognized act of training,
12 handling, or disciplining the vertebrate animal.

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